

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

VISION BIOSYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 05-CV-10614-GA

**AGREED MOTION FOR EXTENSION
FOR CERTAIN EXPERT REPORTS**

Plaintiff Ventana Medical Systems, Inc. ("Ventana") represents that its expert, Ted Williams, was hospitalized from September 11- 16, 2005 for low blood pressure, thereby necessitating the extension to which the parties have stipulated herein.

Plaintiff Ventana and Defendant Vision BioSystems, Inc. ("Vision") respectfully request the Court to extend by seven (7) calendar days the deadline for (i) Ventana to serve an expert report for Mr. Williams and (ii) Vision to serve a report responsive specifically to that report of Mr. Williams. This extension does not affect the deadline for Ventana to serve any other expert report or for Vision to serve a report responsive to any other expert report served by Ventana.¹ Counsel for Vision agree to this proposed extension.


No other deadlines are affected by this proposed extension.

For the Court's convenience, a proposed Form of Order is attached.

¹ This agreed extension – necessitated by Mr. Williams' recent hospitalization – is separate from the extension necessitated by Vision's failure to produce highly relevant documents in possession and requested in Plaintiff's *Emergency Motion to Compel Production of Documents and for Extension of Deadline for Expert Reports*, being filed herewith.

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,



Brian L. Michaelis (BBO#555159)

Robert L. Harris (BBO #644829)

BROWN RUDNICK BERLACK ISRAELS LLP

One Financial Center

Boston, Massachusetts 02111

(617) 856-8200

Jeffrey N. Danis (BBO #113880) (Pro Hac Vice)

VENTANA MEDICAL SYSTEMS, INC.

1910 Innovation Park Drive

Tucson, Arizona 85737

(520) 229-3965

Of counsel:

Ron E. Shulman (Pro Hac Vice)

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

650 Page Mill Road

Palo Alto, California 94304-1050

Telephone: (650) 493-9300

Roger J. Chin (Pro Hac Vice)

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

One Market Street

Spear Tower, Suite 3300

San Francisco, California 94105

Telephone: (415) 947-2000

Nicole W. Stafford (Pro Hac Vice)

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

8911 Capital of Texas Highway North

Westech 360, Suite 3350

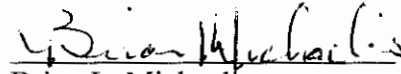
Austin, Texas 78759-8497

Telephone: (512) 338-5400

Attorneys for Plaintiff

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2) that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein.

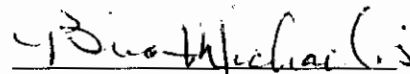

Brian L. Michaelis

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Agreed Motion for Extension of Certain Expert Reports was served, via hand delivery and e-mail on counsel for Vision Biosystems, Inc. in this matter on this 22nd day of September, 2005.

(Via E-Mail)
Elizabeth A. Leff, Esquire
Rothwell, Figg, Ernst & Manbeck
1425 K Street, NW, Suite 800
Washington, D.C. 20005

(Via Hand Delivery)
Christine M. Roach, Esquire
Roach & Carpenter, PC
24 School Street
Boston, MA 02108


Brian L. Michaelis

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

VISION BIOSYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 05-CV-10614-G)

**ORDER GRANTING AGREED MOTION
FOR EXTENSION FOR CERTAIN EXPERT REPORTS**

Upon review of the pleadings before the Court, and upon consideration of the arguments of counsel, it is hereby ORDERED and ADJUDGED that the Agreed Motion for Extension for Certain Expert Reports be GRANTED.

_____, J.

Dated: September____, 2005